

Rule 9013-1

Motions Practice

(a) Urgent Motions. A movant requesting the court to consider a motion on an expedited basis, it must file a separate motion entitled “Urgent Motion” and must call the attention of the clerk to the urgent filing on the day that it is filed.

(1) Contents of Urgent Motion. The urgent motion shall be accompanied by a certification verifying that the proponent:

(A) has carefully examined the matter and concluded that there is a true need for an urgent hearing;

(B) has not created the urgency through any lack of due diligence; and

(C) has made a bona fide effort to resolve the matter without a hearing.

(2) Limited Notice. Notice of an urgent motion shall be given by the party filing an urgent motion. The party filing the motion must make a good faith effort to advise all affected parties of the motion and of the time and the date for a hearing, if any. These good faith efforts may include providing notice of the substance of the motion and of the date and time of hearings by email, telephone or facsimile transmission. These efforts may, and in appropriate circumstances should, include attempts to provide notice of the motion and a motion for an order limiting notice in advance of filing the motions.

(3) Responses to Urgent Motions. Written responses to urgent motions are required within the time established by the court. If no response time is established by the court, responses may be filed up to the time that the hearing is convened.

(4) Hearings on Urgent Motions. The court will set the conditions for the urgent hearing and will schedule and conduct the hearing, telephonically or otherwise, as appropriate under the circumstances.

(5) Duty of Movant and Counsel to be Available. Upon the filing of an urgent motion, movant and its counsel have a duty to be and remain available for immediate hearing or contact by the court with respect to the urgent request.

(b) Ex Parte Motions. A motion seeking *ex parte* relief may be filed only in circumstances in which immediate action is required to maintain the *status quo* until an appropriate hearing on notice can be conducted. A motion for *ex parte* relief must be verified or supported by affidavit and must set forth specific facts and circumstances that necessitate *ex parte* relief. The motion shall include a statement as to why the procedures in subsection (a) of this LBR for urgent hearings are not practical. All orders or proposed orders providing *ex parte* relief must include the finding that the relief requested could not be delayed, and must indicate that the affected parties may request a hearing on the subject matter addressed in the *ex parte* motion by filing a

motion for review of the *ex parte* relief within fourteen (14) days of service of the order for *ex parte* relief. If appropriate, the court will schedule a hearing on such *ex parte* motion as soon as practicable.

(c) Required Response Time Language Must be Included on All Papers.

(1) Usual Papers. Adequate notice must be given to interested parties of the time to respond to every motion, application, or objection to exemption. Motions with a different response time are set forth in paragraph (2) below. This notice may be in single or double space, must be in at least 11 point type, and must contain language substantially similar to the following:

NOTICE

Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the clerk's office of the United States Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the court, the interest of justice requires otherwise.

(2) Motions with Different Response Times. A different objection/response time applies to the following matters and should be substituted for the fourteen (14) day period above:

(A) Application to Compromise – twenty-one (21) days;

(B) Motion/Notice of Intended Sale – twenty-one (21) days;

(C) Motion to Amend or Modify a Plan – twenty-one (21) days;

(D) Motion to Shorten Time (Expedited Treatment) – left to discretion of court, above language should not be used;

(E) Urgent Motion for Relief – left to discretion of court, above language should not be used; and

(F) Motion to Dismiss in chapter 7, 12, and/or 13 cases - thirty (30) days.

(3) Affidavit of Military Service. At the time of the filing of any motion requesting a remedy which may be granted by the court for a party's failure to respond after notice and a hearing, the movant must certify whether or not the respondent is a servicemember, as

required by [§ 201\(b\)\(1\) of the SCRA](#). If the movant fails to provide the required affidavit, the motion will be denied.